



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

| | | |
|--|------------------------|----------------------|
| TRANSMITTAL FORM | Application Number | 10/509,627 |
| | Filing Date | 04/29/2005 |
| | First Named Inventor | Peggy Wingard et al. |
| | Art Unit | 1614 |
| | Examiner Name | Jones, Dwayne C. |
| Total Number of Pages in This Submission | Attorney Docket Number | 006050.00067 |

ENCLOSURES (check all that apply)

| | | |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Supplemental Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTO/SB/08a; PTO/SB/08b; 11 non-U.S. patent documents |
| Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|------------------------|----------|--------|
| Firm | Banner & Witcoff, LTD. | | |
| Signature | | | |
| Printed Name | Paul M. Rivard | | |
| Date | October 25, 2005 | Reg. No. | 43,446 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

| | | | |
|-----------------------|--|------|--|
| Signature | | | |
| Typed or printed name | | Date | |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

BEST AVAILABLE COPY



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|----------------------------|---|----------------------------|
| In re Application of: | : | |
| Peggy Wingard et al. | : | Confirmation No.: 2806 |
| | : | |
| Application No. 10/509,627 | : | Group Art Unit: 1614 |
| | : | |
| Filed: April 29, 2005 | : | Examiner: Jones, Dwayne C. |
| | : | |
| For: PHARMACEUTICAL | : | |
| COMPOSITIONS CONTAINING | : | Atty Docket: 006050.00067 |
| WATER-SOLUBLE PRODRUGS | : | |
| OF PROPOFOL AND METHODS | : | |
| OF ADMINISTERING SAME | : | |

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

U.S. Patent and Trademark Office
220 20th Street South
Customer Window, Mail Stop
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

Pursuant to the duty of disclosure under 37 CFR §§ 1.56 and 1.97-1.98, the documents listed on the attached forms PTO/SB/08a and PTO/SB/08b are being brought to the attention of the Examiner in charge of the above-identified application. Copies of the non-U.S. patent literature documents are enclosed.

The Examiner is respectfully requested to initial the spaces adjacent each document's entry on forms PTO/SB/08a and PTO/SB/08b and to return a copy of the initialed forms to confirm that the documents have been considered and have been officially made of record in this application.

This Supplemental Information Disclosure Statement is being filed before the issuance of a first Office Action. Therefore, it is believed no fee is due at this time. However, if there is a discrepancy with regard to a fee, please charge or credit our Deposit Account No. 19-0733.

If the Examiner has any questions or wishes to discuss this application, the Examiner is invited to telephone the undersigned representative at the number set forth below.

Respectfully submitted,

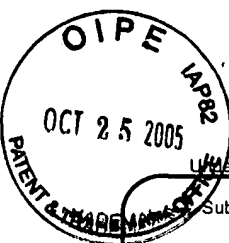
BANNER & WITCOFF, LTD.

Date: October 25, 2005

1001 G Street N.W.
11th Floor
Washington, D.C. 20001
(202) 824-3000

By: 

Paul M. Rivard
Registration No. 43,446



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

| | |
|------------------------|----------------------|
| Application Number | 10/509,627 |
| Filing Date | 4/29/2005 |
| First Named Inventor | Peggy Wingard et al. |
| Art Unit | 1614 |
| Examiner Name | Jones, Dwayne C. |
| Attorney Docket Number | 006050 00067 |

U. S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------------------|--|--------------------------------|--|---|
| | | Number-Kind Code ² (if known) | | | |
| | A001 | US- 2,829,151 | 4/1/1958 | Britton et al. | |
| | A002 | US- 3,271,314 | 9/6/1966 | Ecke et al. | |
| | A003 | US- 3,576,923 | 4/27/1971 | Randell et al. | |
| | A004 | US- 3,723,578 | 3/27/1973 | Eiseman et al. | |
| | A005 | US- 4,171,272 | 10/16/1979 | Wright, R. | |
| | A006 | US- 4,912,245 | 3/27/1990 | Girardeau et al. | |
| | A007 | US- 5,039,343 | 8/13/1991 | Umeda et al. | |
| | A008 | US- 5,091,211 | 2/25/1992 | Richard, L. | |
| | A009 | US- 5,110,503 | 5/5/1992 | Cohen | |
| | A010 | US- 5,120,464 | 6/9/1992 | Kamegai et al. | |
| | A011 | US- 5,554,576 | 9/10/1996 | Mookerjee et al. | |
| | A012 | US- 5,589,598 | 12/31/1996 | Paioocchi, M. | |
| | A013 | US- 5,637,625 | 6/10/1997 | Haynes, D. | |
| | A014 | US- 5,646,176 | 7/8/1997 | Golik et al. | |
| | A015 | US- 5,723,538 | 3/3/1998 | Fischer et al. | |
| | A016 | US- 5,731,355 | 3/24/1998 | Jones et al. | |
| | A017 | US- 5,746,973 | 5/5/1998 | Naraghi et al. | |
| | A018 | US- 5,804,682 | 9/8/1998 | Fischer et al. | |
| | A019 | US- 6,204,257 | 3/20/2001 | Stella et al. | |

FOREIGN PATENT DOCUMENTS

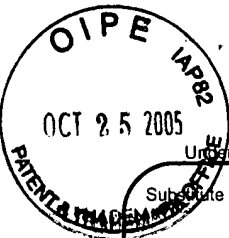
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear | T ⁶ |
|--------------------|-----------------------|---|--------------------------------|--|---|----------------|
| | | Country Code ³ -Number ⁴ -Kind Code ⁵ (if known) | | | | |
| | B001 | DE-3900941 | 7/19/1990 | | | |
| | B002 | EP-252824 | 1/13/1988 | | | |
| | B003 | EP-324451 | 7/19/1989 | | | |
| | B004 | EP-365413 | 4/25/1990 | | | |
| | B005 | EP-393579 | 10/24/1990 | | | |
| | B006 | WO-9628603 | 9/19/1996 | | | |

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

| | |
|------------------------|----------------------|
| Application Number | 10/509,627 |
| Filing Date | 4/29/2005 |
| First Named Inventor | Peggy Wingard et al. |
| Art Unit | 1 1614 |
| Examiner Name | Jones, Dwayne C. |
| Attorney Docket Number | 006050, 00067 |

Sheet 2 of 2

NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
|--------------------|-----------------------|---|----------------|
| | C001 | · S. SAWADA et al., Synthesis and antitumor activity of A-ring or E. Lactone modified water-soluble prodrugs of 20(S)-camptothecin, including development of irinotecan hydrochloride trihydrate (CPT-11). Current Pharmaceutical Design, Vol. 1, No. 1, pp. 113-32 (1995). | |
| | C002 | S. VARIA, University of Kansas, May 26, 1981, Ph.D. dissertation entitled "Water soluble prodrugs of 5,5-diphenylhydantoin." | |
| | C003 | · CHO, M.J. et al.: Metronidazole phosphate—a water-soluble prodrug for parenteral solutions of metronidazole. J. Pharm. Sci. vol. 71, pp. 410-4 (1982). | |
| | C004 | · VARIA, S.A. and STELLA, V.J.: Phenytoin prodrugs VI—In vivo evaluation of a phosphate ester prodrug of phenytoin after parenteral administration to rats. J. Pharm. Sci. vol. 73, pp. 1087-1090 (1984). | |
| | C005 | · BUNDGAARD, H. Design of prodrugs: Bioreversible derivatives for various functional groups and chemical entities. In Design of prodrugs, edited by H. Bundgaard, Elsevier (1985). | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

| | | | |
|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.